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H – 117

International Court of Justice

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H0117-0002

Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 26 April 1946, 1000-1300, Lord Justice Lawrence, presiding.

HANS BERND GISEVIUS--Resumed

CROSS-EXAMINATION--Continued

BY MR. JUSTICE JACKSON:

Q May it please the Tribunal.

Dr. Gisevius, yesterday you made some reference to Herbert Goering in saying that Schacht had sent word to you about the Gestapo microphones in Schacht's house. Will you tell us who Herbert Goering was in relation to the defendant?

A Herbert Goering was a cousin of the defendant Goering. I had known him for many years. Herbert, as well as his brothers and sisters, warned me, over a period of years, about the disaster which would overtake Germany if at any time a man like their cousin Hermann Goering would have a position of even the smallest responsibility. They called my attention to the characteristics of the defendant, which, in the meantime, all of us had gotten to know, starting with his vanity, his love of ostentation, his lack of responsibility, his lack of scruples, and his walking over the dead, so to speak.

In this way I had been informed about the defendant and knew just what to expect of him.

Q Now, during the period when you were making these investigations and having these early conversations with Schacht, and up until about 1937, you, as I understand it, were very critical of Schacht because he had helped the Nazis to power and continued to support them. Is that true?

A I did not understand how an intelligent man, and one who was as wise in economics as he was, could enter into a close relationship with Hitler the way he did. The puzzle that confronted me was all the greater when, on the other side, this man Schacht, from the beginning onward, in a thousand

H0117-0003

small ways, resisted the Nazis, and then, judging from the rather sharp and humerous remarks which were made about the Nazis, how the German public was glad to hear them. I was confronted by a puzzle, until I actually met the man.

Q During this period Schacht did have great influence with the German people, did he not, particularly with German people of responsibility and power?

A He had tremendous influence, and many Germans hoped to see a proponent of decency and right in him; and the German people heard that he undertook many steps in that direction.

I would like to call your attention to the activities in the Ministry of Economics.

Q I think we have covered that, and I am anxious to get along with this, if I may interrupt you.

A Yes.

Q During this period you reported to Dr. Schacht fully concerning your findings about the criminal activities of the Gestapo, did you not?

A Yes; on occasion I spoke quite frankly.

Q And he took the position, as I understand you, that Hitler and Goering did not know about these things.

A Yes. He was of the opinion that Hitler did not know anything about such terrible things, and that Goering, perhaps knew only a part.

Q And he stood by Goering until 1937, when Goering pushed him out of the Economics Office, did he not?

A I believe that I might fix the period of time at the end of 1936. Of course, I may be wrong. I believe it would be more correct to say that Schacht looked for support from Goering and hoped that Goering would protect him from the Party and the Gestapo.

Q In other words, Schacht did not heed your warnings about Goering until late 1936 or 1937?

A That is correct.

H0117-0004

Q And during this period there would be notdoubt, would there, that Schacht was the dominant economic figure in the rearmament program until he was superseded by Goering with the Four Year Plan?

A I do not know whether everything came through to me. He was at the top of the Economics Ministry and he was the leading man for German economy, of course, not only for rearmament but for all questions of G erman economy. And, of course, rearmement was just a part of German economy.

Q Now Schacht believed, and as I understand it you believed, during all this period, that under G erman constitutional law no war could be declared except by authority of the Reich cabinet. Is that correct?

A Yes.

Q In other words, from the point of view of the German constitution, the war was illegal, by German law, as declared and carried out by Hitler, in your view.

A According to our determined opinions, yes.

Q I think we found out yesterday the position you were to have if there was a successful overthrow of the Hitler regime. Schacht was under consideration for Chancellor, was he not, if that movement was successful?

A No. It is only correct as to the first offer that Halder made in August of 1938, or perhaps even July 1938, when he visited Schacht for the first time. At that time he asked--and I had word of this information--Halder asked Schacht whether, in the case of a change in the government, he would be ready to take over a position like that. Schacht replied that he would be ready for anything and everything if the generals would eliminate the Nazi regime and Hitler.

In the year 1939 several opponents formed into a group, and at the very latest there was a period of time when Beck was the acknowledged head of all conspirators, all conspirators from the leftist to the rightist wing. Together with Beck, Goerdler emerged as the leading personality for the position of Reich Chancellor, and after that period of time we were to speak only of Goerdler in that regard.

H0117-0005

Q Now, I want to ask you some questions about the Defendant Keitel. Of course, we have heard that Hitler was the actual head of the state, but I want to ask you whether Keitel occupied a position of real leadership and power in the Reich.

A Keitel had one of the most influential positions in the German Third Reich. I would like to say also that I was a very close friend of four of the closest collaborators of Keitel. They were the chief of the Waffen Amt in the OKW, the murdered General Olbrecht. Rather, he committed suicide. No, he was murdered. Number 2, the chief of the Abwehr, Admiral Canaris. He was also murdered. And, lastly, the chief of the Army economy, General Thomas, who, through a miracle, escaped being murdered.

With all of these men I might say I was linked in close companionship and friendship, and from these men I found out very exactly what tremendous influence Keitel had on the OKW and on the entire dealing with the army, and also through the representation of the army before the German people.

It may be that Keitel did not influence Hitler to a great extent, but I must testify to the fact that Keitel influenced the OKW and the army all the more.

Keitel decided which files were to be transmitted to Hitler. It was not possible that Admiral Canaris or one of the other gentlemen I mentioned could, of his own accord, submit very urgent reports to Hitler. Keitel took these reports, and what he did not like he did not transmit or he gave these men the order not to report in the sense quoted.

Also, Keitel repeatedly threatened these men that they were to limit themsleves exclusively to their own sector and their own problems, and that each and every political expression which was to be intetpreted as critical toward the Party, toward the Gestapo, against the persecution of the Jews, against the murders in Russia, or against the fight against the churches -- that if they made any utterances in that regard he would not protect them, and, as he said later, that he would not stop to dismiss these gentlemen from the armed forces and to turn them over to the Gestapo.

These notes which Admiral Canaris made in his diary, I have seen these personally; also the notes of General Oster which dealt with the discussions in the OKW. I talked with Dr. Sack of the army about this, and I am very much con-

H0117-0006

cerned with testifying here that General Fieldmarshal Keitel, who should have protected his own officers, repeatedly threatened them with the Gestapo. He put these men undet pressure, and these gentlemen considered that as a special insult.

Q In other words, whether Keitel could control Hitler or not, he did have a very large control of the entire OKW underneath him. Is that not true?

A Did you say Hitler?

Q Whether Keitel could control Hitler or not he did control and command the entire OKW underneath him ?

A Yes.

Q And he did prohibit contacts for the purpose of giving information to Hitler by subordinate officers in the OKW?

A Yes.

Q In other words, whatever Hitler's own inclinations may have been, the these men,in this dock formed a ring around him which kept out information from your group as to what was going on unless they wanted Hitler to hear it, isn't that a fact?

A Yes, that is true, and I believe that I really should cite two examples which I consider especially significant. First of all, it was tried with every means to have Keitel warn Hitler before the invasion of Belgium and Holland and to tell him, Hitler that is, that the information which had been submitted by Keitel regarding the violation of the Dutch and Belgians was wrong. The counter-intelligence was to produce these reports which would involve the Dutch and Belgians. Admiral Canaris at that time refused to sign these reports and he told Keitel repeatdly that these reports which have been produced by the OKW were wrong. That is one example of reports that Keitel did not transmit to Hitler -- things which he should have transmitted to Hitler.

A second thing was that Keitel was asked by Canaris and Thomas as far as the details of the murders in Poland and Russia were concerned to submit the facts to Hitler. Admiral Canaris and his friends were very much concerned to prevent and cut off even the beginning of these mass murders and to inform Keitel while the first preparations by the Gestapo were being taken for these misdeeds and atrocities. We were in the possession of proof through Nebe and other personalities. Keitel was informed.

H0117-0007

as to this in detail, and here again he did not resist. He who did not stop the Gestapo at the beginning, should and could not be surprised if at the end disaster by the millions arose.

THE PRESIDENT: Mr. Justice Jackson. I think you put your question"did not these men in the dock form a ring which prevented you getting to Hitler", and the questio was answered rather as though it applied only to Keitel. If you intended to put it with reference to all Defendants. I think it ought to be cleared up.

MR. JUSTICE JACKSON: I think that is true.

BY MR. JUSTICE JACKSON:

Q Each of the Defendants who held ministerial positions of any kind controlled the reports which should go to Hitler from that particular ministry, did they not?

A As far as this general question is concerned, I must reply very cautiously, for, first of all, it was a close clan which put a cordon of silence around Hitler. A man like von Papen or von Neurath cannot be included in this group or clan, for it was true that von Papen and von Neurath, and perhaps one or the other of the Defendants, did not have the possibility, or not for a long time, to have access to Hitler and to regulate the access. Besides von Neurath there was also von Ribbentrop. I can only say that a certain group, which was probably known, was the most intimate and close circle.

Q I should like you to identify those of the Defendants who had access to Hitler and those who were able to prevent access to Hitler by their subordinates. That would apply. would it not, to Goering, Ribbentrop, Keitel, Kaltenbrunner, Frick. and to Schacht, during the period until he broke with them, as you have testified, and to Doenitz, Raeder, Sauckel, and Speer?

A You mentioned some and some are missing. To mention Jodl: I would like to call your attention to the tremendous and disastrous influence which this Defendant had and the positions which he had with Hitler. I believe my testimony shows that Schacht did not lock the doors with Hitler, but that he could only be glad about each open and decent report which actually reached Hitler from his ministry. As far as this is concerned, I do not believe he had a special position of not being evil and to block access. I believe his problem is that of a responsibility.

Q Shaould I have included Funk in the group that had access to Hitler?

A Funk, without a doubt, had access to Hitler for a long time, and for his part Funk had the responsibility that the affairs in the Reichsbank and in the ministry

H0117-0008

of economics were directed in such a way as Hitler desired it. Funk was an expert and put his expert knowledge at the service of Hitler, without doubt.

Q Did you prepare or participate in preparing reports which were sent to Keitel as to the criminal activities of the Gestapo?

A Yes.

Q Did others participate with you in the preparation of those reports?

H0117-0009

A Yes, it was the work of a group. We gathered reports about plans of the Gestapo and preparations, and we gathered material about the first cruelties, so that the courageous men at the front, officers of the General Staff and of the Army, put up workers, made photographs, and this material came to the group, Canaris and Oster. Then the problem arose how we would bring this material to the access of Keitel. It was generally known that officers, even highly placed officers like Canaris and Thomas, were forbidden to report on political matters. The difficulty was, therefore, not to have Canaris and the others to be put under the suspicion that they were stabbing in politics; but we chose another way, a detour that they were sending agents' reports from foreign countries abroad to occupied countries; and under this ruse that in this case this or that agent in countries was reporting about atrocities abroad or that agents travelling through had seen cruelties or had found these despicable photographs. Under this ruse we submitted these reports to Field-marshal Keitel.

Q Now, did Canaris and Oster participate in submitting those reports to Keitel?

A Yes. Without Canaris and without Oster the working out and the gathering of this material would not have been possible at all.

Q And what positions did Canaris and Oster hold with reference to Keitel at this time when these reports were being submitted?

A Canaris was the senior officer ofthe OKW. Formerly he had to represent Keitel, when Keitel was absent. Keitel was concerned that some one else took his place, usually his Party men, General Reineke and Oster, as the representative of the Chief of Staff for Canaris and in close relation to him. Keitel could not have wished for a closer contact in reality and in truth than through these two men in the service of the Wehrmacht.

Q So these reports which were sent to Keitel came from the highest men in his own organization under himself?

A Yes.

Q Now, what did they report to Keitel? Let me ask you if they reported to him that there was systematic program of murder of the insane going on?

H0117-0010

A Yes, indeed. On these subjects, too, records were produced in detail and it included the despairing reports of the directors of the insane asylums. I can remember the great difficulties we had to motivate these reports and we actually put them through under the ruse that they were reports of foreign doctors.

Q Did he report to him the persecution and murder of the Jews and the program of extermination of the Jews that was being carried out?

A Keitel know of the first Jewish programs in 1938. He knew continual and he knew of each new action against the Jews. He was informed in great detail. He knew about the first gas chamber or, rather, the establishment of the first mass graves in the East and also of the erection of the murder factories later.

Q Did these reports report to him the atrocities that were committed in Poland against the Poles?

A Yes, indeed. I would like to say, again and again, that the atrociti in Poland sided with single murders which were so horrible that we were still able to make use of the luxury of reporting on single cases and could mention the names of the SS leaders. In this connection, also, Keitel was always informed, nothing was spared him of detail.

Q And did that condition of informing Keitel also prevail as to the atrocities against nationals in other occupied countries?

A Yes. First of all, I have to mention the atrocities in Russia and in that connection I must emphasize that Keitel, on the basis of the Polish atrocities, had been warned and he knew what to expect in Russia. And I remember how the preparation of these orders, as the order of the shooting of the commissars and the Nacht und Nebel decree, took place for weeks in the OKW. So that, right from the very beginning of these preparations, Canaris and Oster begged to have a meeting with Keitel. I would like to add that I do not doubt that other Party men talked to Keitel in the same connection and, especially since I belonged to a certain group, the impression might be created that just here there were only men who were interested in putting a stop to these problems. But I would be concealing vital things if I did not say that in the Hi Command of the OKW and in the General Staff there were great men who did every-

H0117-0011

thing to reach Keitel through their own channels and in their own ways, and that there were brave men in the ministeriums who tried to reach every officer whom they saw in order to help them stop these disasters.

H0117-0012

Q Did the reports to Keitel report the forced enslavement of millions of foreign workers and their deportation or importation into Germany?

A Yes, indeed.

Q And those enslaved laborers are the displaced persons largely of this day that are plaguing Germany today; are they not?

A Yes. In this connection I would also like to say that in our reports it was mentioned just what responsibility the Wehrmacht would have if these tortured people would be free some day. We felt what was to come and what has to come, and whoever put up and made the report at that time can understand what has taken place.

Q Did the reports to Keitel report the persecution of the churches in the occupied countries?

A Yes, indeed. I would like to cite a special example. When at one time we met the leading men of the church and sent them to Norway under the ruse of agents, they came in contact with people in Norway, with Bishop Bergraf, and reported back to us how Bishop Bergraf thought about the persecution of the churches. I can still see this report before me because Keitel made a note on this document that I still remember was a National Socialist note.

Q Now, these reports consisted both of information furnished by Canaris and Oster and of the reports coming in from the field under this plan?

A Yes.

Q I want to ask you a few questions about this SA and the SS organizations. In your book, which you have been asked about, I think you have characterized the SA as a private army of the Nazi organization. Is that a correct characterization?

H0117-0013

A Yes.

Q During the early part of the struggle for power the SA constituted a private army for carrying out the orders of the Nazi Party; did it not?

A Yes.

Q They took in a good many people in the SA and got plenty large and there came a time when there was some danger to get away from them; wasn't there?

A Yes, that is correct.

Q And the murder of Roehm and his associates was a struggle for power, was it not, between Goering and Himmler and the Nazi crowd associated with them on one hand and Roehm and his associates on the other?

A Yes, indeed.

Q After the murder of Roehm, this SA organization, which was very big at the time, rather lost importance, didn't it?

A Yes, completely.

Q And the SS, which was a smaller and more compact organization, came in to take its place as a private army, didn't it?

A Not only the more important, but the decisive private army.

Q Now, let's go back to the SA during theperiod before the struggle for power resulting in the Roehm purge. What part did the SA play in the battle for power, the seizure of power?

A As is said in the song, it cleared the way for the Brown Battalions, and without doubt the SA, as far as the so-called taking of power is concerned, took a dominating role. Without the SA Hitler would never come to power without doubt.

Q Now, let's take up their methods. Perhaps I can shorten this by quoting from your book. I think you say that whoever had not entirely made up his mind, had it made up for him by the SA. Their methods were primitive but effective. One learned thenew Hitler salute very quickly; when on the sidewalks, beside every marching SA column, and where there were not parades in those days, a few stalwart SA men went along giving pedestrians a crack on the head if they failed to perform the correct gesture, at least three steps ahead of the SA flag. And these Storm Troopers acted the same way in all things. Is that a correct account of their activities and influence?

H0117-0014

A I hope so.

Q Well, you know so, don't you?

A Yes, of course, for it is my own description you are quoting.

Q Yes. But you saw these things yourself, did you not? You were in Germany at that time.

A Yes, indeed.

Q You see, it is very difficult for us, with all the documents we have, Doctor to get the picture of the day to day events, and you were here and we were not.

Now, let me make another quotation: "The chronicle of that private army is certainly dramatic. It teemed with beer hall brawls, street fights, knifings, shootings, and fist fights, altogether a mad rough and tumble affair, that naturally was as lacking in crises of leadership as in mutinies. In this brotherhood of the wild men of German nationalism there was undoubtedly much idealism, but at the same time it was the perfect repository for political derelicts and criminals.

"The failures of all classes found refuge there. The core of the SA. the paid, permament group, and particularly the leaders, were drawn as time went on more and more from the riffraff of a period of political and social decay."

Is that a correct statement of your observations of the SA at that time?

A Yes. quite.

Q May I call your attention to another quotation: "The SA organized huge raids. The SA searched houses. The SA confiscated property. The SA cross examined people. The SA put people in jail. In short, The SA appointed themselves permanent auxiliary police and paid no attention to any of the customs from the period of the liberal system. The worst problem for the helpless authorities was that the SA never voluntarily returned its booty. Woe unto anyone who got into their clutches. " From this time dtaes the Bunker, that dreaded private prison of which every SA Storm Troop had to have at least one. Taking away became the inalienable right of the SA. The efficiency of a Standartenfuehrer was measured by the number of arrests he had made, and the good reputation of an SA man was based on the effectiveness with which he 'educated'--in quotation marks, the quotation marks being yours--'educated' his prisoners. Brawls could no longer be staged in the fight for power, yet the fight went on, only the blows were now struck in the full enjoyment of power."

Is that a correct statement of your observations of the SA?

H0117-0015

A Yes.

Q I think you also used the term "Bunker", and it is a slightly technical term with which some of us are not familiar. Will you tell the Tribunal what this Bunker system of the SA was?

A Bunkers were those cellars or other jails with thick walls in which the poor prisoners were locked up, where they were beaten and in a large measure beaten to death. They were those private jails in which in the first months the leaders of the Leftist Parties and of the unions were placed. The leftist group did not arise again, for there, very thoroughly the entire leadership had been done away with.

Q You also use the term "Taking away became the inalienable right of the SA," and "taking away" is in quotation marks. Will you tell us about this "taking away" word of art, what it means?

A That was the arresting whereby the relatives for periods of weeks or months did not know where the poor victim had disappeared to, and had to be glad if the poor victim ever returned home.

Q I think you also make this observation in your book:

"Every excess was pardoned as over-zealousness in the cause of the National Socialist revolution, was a demonstration of official sanction, and necessarily drew in its wake a fresh crime. It was the bestiality tolerated during the first months that later encouraged the sadistic murders in the concentration camps.

"The growth in brutality and insensibility of the

H0117-0016

general public, which toward the end of the revolution extended far beyond the territory of the Gestapo was the unavoidable consequence of at first giving free rein to the Brown Shirts in their acts of violence."

Does that, too, represent your observation of the SA?

A Yes--not of the SA, of conditions in general in Germany, also.

Q Now, will you tell us about--as I understand you, after the Roehm Purge the SA was rather abandoned, as the private army, and a more reliable and smaller and more compact private army was created under Himmler.

A I believe I should express myself to this effect. A guard established by Hitler which had been established long prior to this time now actually came into action. I do not doubt that Himmler and his close circle for years had worked toward this objective so that one day, with their protective guard, they could realize the terror system in Germany. Only up until the 30th of June the SS had been a part of the SA. Roehm was the chief leader of the SS. The road for Himmler as police chief in Germany for the police chief of evil was here only after Roehm had been put aside with his much larger SA. But the will toward power with the SS, with lack of scruples and the ideas therewith, had been planned by the leadership of the SS for many years and had to be assumed so.

Q Now, this SS organization selected its numbers with great care, did it not?

A Yes.

Q Will you tell us something about the qualifications for membership in actual practice? What was necessary?

A These men had to be so-called Nordic types. As far as this question was concerned, I always considered it as a rather humorous paper, and for that reason I am not in a position today to give you particulars. It is almost embarrassing for me.

If I am not wrong, I recallthat Heydrich and Himmler, especially, as far as the selection of those SS men are concerned who were to do police duty, they decided only after a picture of their future victim before the misuse of commands had been submitted to them. I know that, for example,

H0117-0017

Nebe repeatedly, as far asofficials who wanted him to protect them from the criminal police of the Gestapo and save them in such a way, that he produced bad photographs of these people so that they did not look Nordic. In that case, of course, they were turned down immediately.

Of course it would lead us too far afield if I were to tell you more about these strange things in this Tribunal.

Q Well, was the membership of the SS recruited only from what we may call fanatical Nazis, reliable Nazis?

A I believe we have to make a limitation in time. In the first years of the SS, many decent German people, especially farmers and people in the country, felt drawn to the SS, for they believed Himmler's assurance that the SS was to bring order in Germany and to be a counter-balance to the SA terror. In that way, in my opinion and to my knowledge, some people in the years before 1933, and even in 1933 and 1934, entered the SS, because they hoped that here would be a nucleus for right and for decency.

I believe it is my duty, as far as the tragedy of these people is concerned, to point to their tragic fate. Each and every case should be examined as to whether, later on, they were guilty or whether they remained decent.

But from a certain period of time forward--I believe I mentioned it yesterday as 1935--no one could have any doubts as to the real SS objectives. From that period of time on, I would like to say that only fanatical National Socialists, that is super National Socialists, entered the SS.

H0117 - 0018

Q And from 1935 on, was it in your judgment as one who was one the ground, necessarily so, that the persons who entered it knew what its actual activities were?

A Yes: just what orders he had to expect, yes.

Q The Tribunal asked me to enquire in reference to the incident, if there was anything further, and I have nothing further on that incident, in reference to the threat made. Is there anything that you wish to add about that incident in order to make it clear to the Tribunal, anything that hasn't been told about it?

A I would like to say clearly that Dr. Dix not only was responsible in arranging a discussion with Dr. Stahmer for me that morning I arrived in the group of the attorneys and I do not wish to quote particulars but the atmosphere with which I was greeted was not entirely pleasant. Then I was with Dr. Dix to report something else--Dr. Stahmer approached and ostensibly seemed quite excited. He asked Dr. Dix for a discussion. Dr. Dix refused and said that he was just talking with me. Dr. Stahmer demanded in a loud voice that he would have to speak to Dr. Dix immediately and on an urgent business. Dr. Dix stepped aside, took about two steps, and the discussion that followed, the discussion and conversation was carried on by Dr. Stahmer in such a loud voice, that of necessity I had to hear it in its most vital parts. I did hear it and said verbatim to the attorney Dr. Kraus " Just listen here how Dr. Stahmer is carrying on." Dr. Dix then stepped over to me and he also seemed excited and after these preliminaries on my questions just what the message of Goering was--and gave me information about that which I had heard anyway. I would like to emphasize that if I had had the opportunity of my own accord to tell the story, I would have emphasized the point, that I was under the impression that Dr. Stahmer had a message, or rather I would say a threat of the defendant Goering and transmitted this threat to me.

Q Now, in this Nazi regime, after Hitler came to power, will you state whether there was, to your observation, a systematic practice of the Nazi ministers and Nazi officials enriching themselves by reason of their confiscation of property of Jews and others?

H0117-0019

A Yes. This increased from year to year and we kept lists as to which of the ministers and staff office generals and field marshals participated in this system. We had to inquire with the generals whether these items had been put on a bank account or whether this money had been used for their own personal purposes.

Q And will you state to the Tribunal which of the defendants were engaged in the self-enrichment in the manner that you have indicated?

A I regret to be able to give the high Tribunal just a negative reply.

THE PRESIDENT: It is not coming through to me.

THE WITNESS: I am sorry I am only able to give a negative reply to the Tribunal. I regret to say that I can only give a negative statement.

THE PRESIDENT: It is not coming through to me now.

THE WITNESS: We repeatedly inquired from the defendant Schacht ---

THE PRESIDENT: Perhaps this will be a good time to adjourn for ten minutes.

(A recess was taken)

H0117 - 0020

BY MR. JUSTICE JACKSON:

Q Dr. Gisevius, I have just a few more questions which I would like to put to you in reference to the war and the resistance movement of which you were a part.

THE PRESIDENT: Mr. Justice Jackson, there is just one question I should like to ask the witness. You said that you kept lists of the ministers and generals who participated in this system of spoils. What was your source of information?

THE WITNESS: We had information from the various ministries, from antechambers of ministries, and from the Finance Minister. But I did not finish the answer before. I said that I could only answer the question, as to which of the defendants had enriched himself, in the negative.

Concerning the defendant Schacht, I wanted to continue that I personally did not look into these lists, and that I only took part in the questioning of the defendant Schacht and could say that he himself had not enriched himself. I did not intend to say, therefore, that all the defendants, especially defendants von Papen or von Neurath, to name only these two, had enrichwd themselves. I do not know that. I only wanted to say that about Schacht we know, or rather I know, that he did not take part in that system of spoils.

BY MR. JUSTICE JACKSON:

Q Well, in addition to a system of spoils from confiscated property, there were also open gifts from Hitler to the generals and ministers, were there not, of large sums of property and money?

A Yes. Those were the famous donations which, at least in the years after the outbreak of the war, the top generals systematically received.

Q And did that hold true with reference to many of the ministers?

A I do not doubt it.

Q Now, as I understood your testimony, whatever doubts you may have had before 1938 when the affair Fritszch occurred, that event or series of events convinced even Schacht that Hitler was bent on aggressive warfare.

A After the Fritszch crisis, Schacht was convinced that now radicalism and the course of war could not be held back any more.

H0117 - 0021

Q There was never any doubt in the minds of all of you men who were in the resistance movement, was there, that the attack on Poland of September 1939 was aggression on Hitler's part?

A No, no there could be no doubt about that.

Q And that diplomatic means of righting whatever wrongs Germany felt she suffered in reference to the Corridor and Danzig had not been exhausted?

A I can only point to the existing material. There was no will for peace.

Q Now, in the German resistance movement, as I understand you, there was agreement that you wanted to obtain various modifications of the Treaty of Versailles and you also wanted various economic betterments for Germany, just as other people wanted them. That was always agreed upon, was it not?

A We were all agreed that in Europe the center of balance could be achieved if certain modifications of the Versailles Treaty would be carried through in a diplomatic way.

Q Your difference from the Nazi group was chiefly, in reference to that matter, one of method.

A Yes.

Q From the very beginning, as I understand you, it was the position of your group that a war would result disastrously for Germany as well as the rest of the world.

A Yes.

Q And that the necessary modifications, given a little patience, could be brought about by peaceful means.

A Absolutely.

Q Now, it was in the light of that difference of opinion, I suppose, that your resistance movement against the regime in power in Germany carried out these proposals for putsches and assassinations which you have described.

A Yes, but I would like to supplement that by saying that we were not only thinking of the great danger to the outside, but we also realized what internal dangers would be brought about by such a system of terror.

H0117 - 0022

From the very beginning, there was a group of people in Germany who were not even thinking of the possibility of war, and still they protested against the deprivation of liberty and the fight against religion.

In the beginning, therefore, it was not a fight against war, but if I may say so it was a fight for the rights of man. From the very first moment on, in all classes of the nation, in all professional circles and in all other groups, there were people who were ready to fight for that idea, to suffer, and to die.

Q Now, the question may arise here as to what your motives and what your purposes in this resistance movement were with reference to the German people, and I shall ask you to state to the Tribunal your over-all purposes in resisting the government in power in your country.

A I should like to say that there was such a rich harvest of deaths among the members of the resistance movement that it is only for that reason I sit here, and that otherwise men who were more able could give this answer.

Within that limitation, I feel that I can answer that from right to left, whether Jew or Christian in Germany, there were people who believed in the freedom of religion, in human rights and human dignity, not only for Germany, but also, in their responsibility as Germans, for Europe and the world.

Q There was a group which composed this resistance, as I understand it.

A It was not only a group, but many individuals carried the secret of their resistance silently to their death.

Q Most of the men who were associated with you in this movement are dead?

A Almost all of them.

Q Is there anything you would like to add to clarify your position to the Tribunal, Dr. Gisevius?

A Excuse me.

Q Is there anything you would like to add in order that the Tribunal may understand your position in this, your feeling, your very strong feeling in this matter, to understand and appraise your own relation to this situation?

H0117 - 0023

A I do not like to talk ofmyself, but I want to thank you, Mr. Prosecutor, for giving me an opportunity to speak for those who are dead and those who are alive, and to certify for their actions.

MR. JUSTICE JACKSON: I have concluded the examination.

GENERAL ALEXANDROV: Mr. President.

THE PRESIDENT: Wasn't the understanding arrived at with counsel for the Prosecution that the witnesses for the Defendant Frick should only be cross examined by one prosecutor?

GENERAL ALEXANDROV: Mr. President, the understanding among the prosecutors was that the questioning of Schacht's witness should be done by one prosecutor, but that the French and Soviet Prosecution would also question this witness, and as the Soviet Prosecution has a number of questions to put to this witness Gisevius which have great importance to this case, I beg your permission to put these questions to this witness.

H0117-0024

THE PRESIDENT: What are the questions which you say are of particular importance to the Soviet Union? I do not mean the individual questions but the general nature of them.

GENERAL ALEXANDROV: Questions connected with the part played by defendant Frick in the preparation for war and also in connection with the relationship between the defendant Schacht and the Hitler regime and a number of further important questions.

THE PRESIDENT: The Tribunal will adjourn in order to consider whether the Prosecution ought to be allowed to cross-examine the witness in addition to the cross-examination which has already taken place.

(A recess was taken)

H0117 - 0025

THE PRESIDENT: The Tribunal has before it two documents which were presented to it by the chief prosecutors upon the subject of cross-examination. In the first of those documents it was provided that the following procedure for the cross-examination of the Defendants Keitel, Kaltenbrunner, Frank, Frick Streicher, and Funk was agreed, and that with reference to Frick the American Prosecution was to conduct the cross-examination of the Defendant and his witness. This document was presented because of the Tribunal's express desire that too much time should not be taken up by the cross examination by more than one prosecutor.

In addition to that document there was another document, which was only a tentative agreement, and with reference to the Defendant Schacht it provided that that the American delegation should conduct the principal cross-examination and the Soviet and the French delegations should consider whether either would wish to follow.

In view of those two documents, the first of which suggests that the prosecution have agreed to only one cross-examination of the witnesses of the Defendant Frick, and the second of which tentatively suggests that in addition to the American Prosecution the Soviet and the French might wish to cross examine, the Tribunal propose to allow the additional cross-examination in the present instance, and they are loath to lay down any hard-and-fast rule concerning cross-examination. They hope, however, that in the present instance, after the formal cross-examination by the Prosecutor of the United States, the Soviet Prosecutor will make his cross-examination as short as possible. For the future, the Tribunal hopes that the prosecutors may be able to agree among themselves that in the case of witnesses one cross-examination only will be sufficient and that, in any event, the additional cross-examination will be made as brief as possible.

BY MAJOR GENERAL ALEXANDROV:

Q Mr. Witness, in order to save time, I beg you to answer my questions as briefly as possible.

Tell me, what part did the German ministry of the interior and the Defendant Frick play personally in the preparation of the second World War?

A This question is very difficult to be answered by me. I left the mini

H0117-0026

try of the interior already in the month of May, 1935, and about conditions after that time I could not say any more than any other German, that is to say that the ministry of the interior was part of the German government machine and doubtlessly there, as well as in all other ministries, all those preparations for war were made which administrations would make in preparing the war.

DR. PANNENBECKER: May I say something? Attorney Pannenbecker for Defendant Frick. The witness has just stated that he could not say any more in answering that question than any other German could. I believe that, considering the facts the witness is not the right person to make any definite statements.

THE PRESIDENT: He has just said so himself. That is exactly what he said. I don't see any reason for any intervention. The witness said so.

DR. PANNENBECKER: I only meant that he could not even function as a witness concerning these facts.

BY MAJOR GENERAL ALEXANDROV:

Q I consider it possible to put to you this question, and I am satisfied with your answer.

Do you know anything about the so-called "college of three", which consisted of the plenipotentiary for economics, and a representative of the OKW, and was entrusted with the preparation of all organizational questions connected with the war?

A I personally cannot give any information on that.

Q Do you know anything about the activity of the ministry of the interior on territories occupied by the Germans?

A As much as I know, the ministry of the interior sent important officials to the military administration, but it is not quite clear to me whether these officials from that moment on were still subordinate to the ministry of the interior or the OKW.

H0117 - 0027

Q Do you know whether the organism of the Reich commissariat in territories occupied by the Germans was subordinated to the Ministry of the Interior or at least was considerably helped by this ministry?

A I should like to assume so, yes. I could say yes to the questions as far as the assistance is concerned because the ministry for the territories occupied in Russia could only take their officials from the personnel department of the Ministry of the Interior.

Q What do you know as to the visits made by defendant Frick to the concentration camps?

A At the time when I was in the Ministry of the Interior I did not hear anything about that.

Q And after that?

A I didn't hear anything about that either.

Q Could such a situation arise where the defendant Frick, being Minister of the Interior, was not informed as to the system of concentration camps established in Germany and the arbitrary treatment handled there?

A I believe that I haveyesterday already given exhaustive information to the fact that we were informed about everything.

Q I'm not interested in defendant Frick in this particular case. What do you know about him?

A I have said yesterday that the Reich Ministry of the Interior received numerous cries for help from all over the country, and yesterday we have even seen a letter from the Ministry of Justice; also I have referred --

THE PRESIDENT: This subject was fully covered yesterday.

MAJOR GENERAL ALEXANDROV: Well, then, I will pass on to the next question, Mr. President.

BY MAJOR GENERAL ALEXANDROV:

Q Are you acquainted with the secret law concerning the killing of sick persons and aged people?

A Yes.

Q What had the defendant Frick to do with issuing of this law and its putting into effect?

A I assumed that he signed it.

H0117 - 0028

THE PRESIDENT: The law, if there was a law, was after 1935, was it not? What is the law that you are putting? If it was in 1935, then this witness wasnot in the Ministry of the Interior.

MAJOR GENERAL ALEXANDROV: I am speaking of the law which was issued in 1940.

THE PRESIDENT: He would not know anything about it any more than anybody else.

MAJOR GENERAL ALEXANDROV: Yes, I am satisfied with his answer. Will you allow me to pass on to questions concerning the defendant Schacht.

BY MAJOR GENERAL ALEXANDROV:

Q Tell me, witness, you were in close relationship to defendant Schacht for a considerable period of time; is that right?

A Yes.

Q Thus you were sufficiently acquainted with the political and state activities of the defendant Schacht?

A I believe so, yes.

Q Tell us what you know about the part of defendant Schacht in the seizure of power by Hitler?

A That was just the time when I didn't know Schacht yet, and about which I cannot give any information.

Q But what do you know about it?

A I know only that he entered the cabinet and that without doubt he assisted Hitler in the preliminary political negotiations.

Q Did you know anything about the meeting organized by Schacht between Hitler and the leaders of the industry in 1933; in the course of this meeting or as a result of this meeting a fund was created in view of the successful carrying out of the elections? What do you know about this meeting?

A I know nothing about this meeting. In my book I wrote that to my knowledge the decisive funds in the election campaign in 1932 were raised by Thyssen and the member of the Rumanian industry Grauer.

Q But what was the part played by the defendant Schacht on this particular occasion?

A At that time I did not see Schacht in the Ruhr district, and I do not know whether he was there.

H0117 - 0029

I emphasize again that I did not know him at that time.

Q Yes, I know that. But in your book entitled "Until the Bitter End", and published in 1926, and in your answer to preliminary interrogations, you characterized the defendant Schacht under favorable light; is that right?

A The last words I did not understand.

Q I repeat that you characterized the defendant Schacht from a positive point of view; is that right?

A Yes.

Q You state that beginning with 1936 the defendant Schacht was in opposition to the Hitlerite regime and that he expressed these opinions in a sufficiently apparent way; is that true?

A No, I emphasize that beginning with '36, he was starting to see things in a different light, but that the transitions to an opposition against Hitler came during the Frick crisis.

Q Which year was this crisis?

A End of 1937---beginning of '38, that is more like it.

Q Tell us, under the regime which existed then in Germany, could a situation arise where Hitler was not informed as to the oppositional views of Schacht which appeared to exist at the end of 1937?

A You mean that Hitler, after 1938, was not informed?

Q No. I asked you, could it be possible under conditions existing in that regime that Hitler was not informed as to this attitude on the part of Schacht?

A Hitler knew that Schacht was very critical towards the system and he frequently received letters from Schacht and heard a lot about it. But how far that opposition went, he did not find out.

Q I understand. In the same way as in January. Well, then how could he remain in the cabinet as minister without portfolio if Hitler was informed as to this critical attitude of Schacht towards Hitler's policy?

A Hitler always saw to it to let prominent individuals disappear quietly or put them in the shadow so that the foreign propaganda could not take advantage of these facts. The case Schacht is not the only one where Hitler tried to avoid or camouflage an open crisis.

H0117 - 0030

Q You were not acquainted with a letter of Hitler's of the 19th of January, 1939, which was sent to Schacht upon his being relieved of a function as president of the Reich Bank? I would like to remind you of the contents of this letter.

In this letter Hitler wrote to Schacht:

"In connection with your leaving the post as president of the Reich Bank, I wish upon this occasion to express to you my sincere and hearty gratitude for the service which you have rendered Germany and for the help which you have given me while in this particular post in these years. Your name will always be conncected with the first phase of the national armament. I am happy to be able to count upon your help for the solution."

THE PRESIDENT: Thiswas all gone over yesterday by the witness.

MAJOR GENERAL ALEXANDROV: Well, then I begto be forgiven, but in this connection I have a question to put to the witness about this letter.

BY MAJOR GENERAL ALEXANDROV:

Q Thus, from the contents of this letter it is apparent that in January, 1939--and I stress this date, witness--Hitler appreciated the attitude of Schacht. How can you explain this diversion between this fact and your statement that Schacht was in opposition to the Hitler regime at the end of 1937?

H0117-0031

A I should like to answer that I am not accustomed to consider any written or oral proclamation by Hitler as truthful. That man has always said only that which seemed opportune to him to deceive the world or Germany. In this particular case Hitler intended to avoid the impression as if Schacht's resignation would cause a difficult economic crisis, but I am only saying now what Hitler could have had in his mind. Yesterday I described with what indignation Schacht received that letter. He considered it pure irony.

Q Quite right. Then I will refer to another document, which is a letter of Schacht himself addressed to Hitler. This is a memorandum dated the 7th of January 1939. Schacht wrote to Hitler:

"Ever since the beginning of the Reichsbank I have realized that a successful foreign policy can be carried out only by a transformation of the German armed forces. I undertook to finance a program of rearmament, notwithstanding the factthat it was connected with a danger of devaluation. This necessity obscured all other arguments against it in order to render possible the carrying out of a foreign policy which was rendered necessary by the general situation." End of quote.

Do you also consider that this document is an expression of the oppositional attitude of Schacht?

A As much as I have understood, you refer to a letter from the year 1934; is that correct?

Q No. This is a letter of the 7th of January 1939.

A Yes. Then will you please excuse me. I can only say that which I have said yesterday already, that all these letters were very carefully written to make sure that they would not be considered a provocation, and the factual context of the letter was made illusory by the fact that Hitler simply said here "I am being attacked personally." I have said yesterday already that it was the problem to make sure that the other ministers who were not so much in the opposition, to convince them about the fact and to bring them on our side.

Q Tell us, what was the attitude of the defendant Schacht towards the Anschluss?

A The Anschluss, annexation of Austria, happened right in the middle of the Fritsch crisis, probably the dramatic climax of it, and that is why we

H0117-0032

were very indignant about it. There was no doubt for us that here the German Army ----

THE PRESIDENT: (Interposing) Witness, wait a minute. You were asked if you knew what the attitude of Schacht was to the Anschluss at that time. You are not answering that question. Do you or do you not know?

THE WITNESS: I could not give a definite answer about that, because all of us saw clearly that the problem of Austria had to be solved in a legal way sooner or later. There were differences of opinion in our group, but most of us hoped that the independence of Austria could be preserved. Especially from the German point of view, it was desirable that another independant German state should exist, if at any later time there would be a league of nations or diplomatic negotiations, but I cannot state under oath whether Schacht personally was of that opinion or whether he was for an outright annexation.

BY MAJ. GEN. ALEXANDROV:

Q I will quote excerpts from a speech made by Schacht in Vienna in March 1939.

"Thank God, this couldnot prevent the German people from continuing on its way, because Adolf Hitler has reinforced the German will and the German thought by armed forces and has given a foreign form to German unity."

Do you consider these statements of Schacht also as expression of opposition toward the Hitler regime?

A I would have to be able to read the entire speech. I personally wouldnot have held it, but I do not know whether pure judgment on my part here serves any purpose. Why don't you ask Schacht what he meant?

THE PRESIDENT: The speech can be put to Schacht when he goes into the witness box, if he does.

BY MAJ. GEN. ALEXANDROV:

Q All right. Tell me, witness, you are residing actually in Switzerland; isn't that true? Which town?

A I live near Geneva in a village.

Q How long have you lived in Switzerland?

A Since the first of October 1940.

H0117-0033

Q Did you know about Schacht's visit to Switzerland in 1942?

A No. In 1943 he did not come to Switzerland.

Q In 1942.

A No, he did not go to Switzerland in 1942, either.

Q Then Schacht was not in Switzerland in 1942 or 1943?

A That's right.

Q And while you were in Switzerland did you ever meet Schacht?

A Yes, repeatedly. I was at least every four weeks or eight weeks in Berlin, and until 1943 --

Q (Interposing) No. I am asking you about Schacht's visit to Switzerland.

A There was during the war one visit in 1941 in Switzerland by Schacht, on the occasion of his wedding trip, and then I saw him.

Q That wasin 1941?

A 1941, yes.

Q On the 14th of January, 1946, in the Newspaper "Baseler Nachrichten", an article was published, entitled "How Schacht Thought". Did you have anything to do with that article?

A Yes.

Q What do you know about that article?

A Not more than I read in the paper about it.

H0117 - 0034

I have tried to find out who was the American with whom Schacht had the conversation.

Q No, the details do not interest me.

And my last question: Did you know anything about a conference which took place at Berchtesgaden in Hitler's house in the summer of 1944, where the extermination of the workers deported to Germany, in case the Allies continued their advance, was discussed? Did you hear about this conference?

A No, at that time I could not go to Germany any more, because there were proceedings against me, and I did not hearanything about that.

MAJ. GEN. ALEXANDROV: I have no further questions to put to this witness.

THE PRESIDENT: Then do you wish to re-examine, or does any other member of the defendants' counsel wish to ask questions of the witness?

DR. PANNENBECKER: Attorney Pannenbecker, for the defendant Frick.

REDIRECT EXAMINATION

BY DR. PANNENBECKER:

Q Witness, yesterday during the cross examination the American prosecutor submitted to you a letter by the Reichs Minister for Justice of the 14th of May 1935 to the Reich Minister of the Interior. In that letter there is also an appendix which is a copy of a letter by an inspector of the Secret State Police. Witness, did I understand you correctly to say that you personally assisted in writing that letter?

A Between the Ministry of the Interior and the Ministry of Justice we had horizontal channels, and at times it was desirable, if from another ministry a very strong letter came, that I could present it to my minister. And I do not doubt that Frick also liked it if he received a strong letter that he could fight for something before the Cabinet. Thus I remember that that letter and the sending of that letter before had been discussed with several gentlemen of the Ministry of Justice and with myself.

Q Did I understand you correctly then that the letter was a joint effort of the Ministry of Justice and the Ministry of the Interior to do something against the Gestapo terror?

A As for myself, I can certainly agree to that. I was at that time a

H0117-0035

member of the Ministry of the Interior. Of course about that point I have not spoken to my chief.

Q In that letter we find on page 5 of the German text the following sentence. I quote:

"In the concentration camp at Hohenstein in Saxony, inmates had to be on their stripping machinery, which has been constructed for that purpose, until the skin of their skull by the drops of water got serious injuries, infected injuries." End of quotation.

Do you know that the guards of that camp were later heavily punished abou that incident?

A No, and if that really had been done that would have been an exception.

Q Witness, then I have one more question. That is in connection with your statement which you have just made which was made before, that there was an atmosphere of hostility in the room of the attorneys. A number of colleagues, and they are not few, are deeply shocked by that statement of yours, and these colleagues of mine were glad that so openly you described conditions in Germany. Could you tell me whether that statement you made concerns all of the defense counsel?

A I am grateful to you that you give me the opportunity to correct an apparent misstatement or misunderstanding which was created by my statement. I meant a different incident which occurred as I entered the counsel room, about which I do not want to speak any further here. I want to state, I want to emphasize, that I know about the difficult task of the defense counsel, and I want to apologize if in any way the impression was created that I had reproached the majority of the defense counsel, in view of their difficult task.

Q I thank you. I have no more questions.

H0117-0036

BY THE PRESIDENT:

Q Dr. Gisevius, I want to ask you some questions to try and get clear what your various positions were and where you were at various times.

As I understand it, in 1933 you were a civil servant, is that right?

A Yes.

Q And then you became a member of the Gestapo?

A The first position, as trainee in the Civil Service, was in the Political Police. In Germany one is a civil servant even in the stage of pre-training. Therefore I have to say that my first real position as an official I received in August of 1933 when I entered the Gestapo.

Q And when did you leave that position?

A The end of December 1933.

Q And to what position did you go?

A Then I entered the Ministry of the Interior; that is to say, the Prussian Ministry of the Interior. During the year 1934, at the same time, I came into the Reich Ministry of the Interior. In May of 1935 I was dismissed from the Ministry of the Interior.

Then I came into the newly created, or to be created, Reich Criminal Office, which, in its beginnings, was with the Police Presidium in Berlin. On the date when Himmler was appointed Reich Chief of Police, on the 17th of June, 1936, I was finally dismissed from the police service.

I was transferred to the Government Office in Muenster, worked there in price control supervision, and, in the middle of 1937, I took an unpaid vacation, allegedly to make studies in economics. That vacation, in the beginning of 1939, was cancelled by the Ministry of the Interior, and I was attached to the Government Office in Potsdam near Berlin. There I had to do with road-building.

Q In the middle of 1937 you took unpaid service and studied in economics, I think you said, or an unpaid vacation.

A Yes.

Q You still remained a member of the Civil Service then, did you?

A Yes; until the 20th of July I was continuously in the Civil Service. That is, the 20th of July, 1944.

H0117 - 0037

Q Then, in the beginning of 1939 you were posted to the Ministry of the Interior and attached to Potsdam?

A Yes.

Q Well go on; after that?

A When war broke out the difficulty arose that I had no mobilization order and, on the other hand, my friends wanted to see me in the OKW. From the date of the outbreak of the war until the 1st of October, 1940, I only worked with a forged mobilization order, and every day I expected to be found out, at which time I would have had to take the consequences.

After the conquest of Paris I stated to Canaris and Oster that I would have to now ask them to release me from that somewhat complicated situation. At that time the position of Canaris, temporarily, was so strong that he placed me in an intelligence position with the Consulate General in Zurich. There I received the title of a Vice Consul with the Consulate General in Zurich, and I stayed there as an intelligence man, without belonging to Intelligence formally, until the 20th of July.

After the 20th of July I was dismissed from all functions and posts, and I don't even know whether I have been denaturalized; I did not find out about that.

Q Between the time you went to Zurich and the 20th of July, were you returning to Germany from time to time?

A During that time I was primarily in Germany, and only from time to time Oster and Canaris sent me to Switzerland as a courier, or as a tourist. Schacht was

H0117-0038

quite helpful at that time in getting a Swiss visa, through the Swiss Legation.

Q During the time that you were in the Gestapo from August to December 1933 what was your actual job or function?

A Since I received my first position there I was only in training, and I was attached to the Chief of the Executive Department, Oberregierungsrat Nebe, for the purpose of getting training. After the decree of the arresr warrant, at the end of October 1933, I was sent as an observer and a reporter to Leipzig, to the Reichstag fire trial.

Q You spoke yesterday very ofter of a man whose name I am not clear about, Nebe, I believe it was.

A Yes.

Q What was his position?

A Nebe was a well-known criminologist at the Berlin Police Presidium before 1933. As a National Socialist, in July of 1933, he was called in to the Gestapo and was promoted there, until the beginning of 1934, to Oberregierungsrat. Then we were successful, with the aid of the defendant of the Interior. He then became the founder in chief of the Reich Office of Criminology. On the day of the appointment of Himmler as Chief of Police of the Reich, he was put into the Reichssicherheitshauptamt, Reich Security Main Office. In the course of time he was tak taken over into the SS; he became SS Gruppenfuehrer, SS General, and until the 20th of July, he was one of the closest subordinates of the defendant Kaltenbrunner. The defendant Kaltenbrunner was Chief of the Gestapo as well as of the Criminal Police and the Information Service. Nebe became the subordinate of Kaltenbrunner and received official orders from him, the same as the Gestapo Chief Mueller.

THE PRESIDENT: Did you wish to ask any questions, Dr. Dix?

DR. DIX: Yes.

THE PRESIDENT: Well, perhaps we had better do that after the adjournment, at a quarter past two.

(A recess was taken until 1415 hours)

H0117 - 0039

Official transcript of the International Military Tribunal in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 26 April 1946, 1415-1700, Lord Justice Lawrence presiding.

HANS BERND GISEVIUS --- Resumed

RE-DIRECT EXAMINATION -- Continued

BY DR. DIX:

Q Dr. Gisevius, the Soviet Prosecutor put a question to you in connection with the Anschluss of Austria. During the answering of the question you were interrupted. You had just said verbatim, "But the form. . ." and I am asking you to complete your answer at this time.

A What I wanted to say was that Schacht, without doubt, was against the form of the Anschluss as it had taken place.

Q Then I have one more question, my final question and that is relating to the so-called incident of day before yesterday. Yesterday I discussed this incident with you and clarified the situation regarding my colleague Stahmer, and gave you permission to use this clarification.

I am now requesting you now to give this clarification to the Tribunal at this time.

MR. JUSTICE JACKSON: May I interpose an objection. I think that is a most irregular way to inform the Tribunal, if there is anything the Tribunal should be informed about, that Dr. Dix should tell the witness what the witness should tell the Tribunal.

Now, I have no objection to the witness relating to the Tribunal anything that he knows of his own knowledge. I do object to the witness being asked to relate what Dr. Dix has told him he may tell the Tribunal. I think that is a most irregular way of clarifying it.

DR. DIX: Mr. President, that really wasn't the point. I made a remark about Dr. Stahmer and made this remark to Dr. Gisevius. It was a happening between the witness and myself, and it is important to me that this remark of mine be told and testified to by the witness. This was a happening which the witness experienced, and I prefer that the witness testify that I

H0117 - 0040

made this explanation, and I cannot see anything irregular about this procedure, and I ask for a decision by the Tribunal. Otherwise I could make the explanation myself, but I consider it better that the witness tell what I told him immediately after this incident.

THE PRESIDENT: The Tribunal thinks that you may properly put the question to the witness --

BY DR. DIX:

Q I have already put the question, and you may answer it at this time.

THE PRESIDENT: I am not quite sure now --

DR. DIX: Would you have the kindness to repeat it.

THE PRESIDENT: Can you hear now?

DR. DIX: Yes.

THE PRESIDENT: I am not quite sure now what your question was, but the Tribunal thinks that you may put the question: Was there anything in connection with the incident which the witness has not already told us, which he wishes to say?

H0117-0041

DR. DIX: Yes. The question relates to a conversation between the witness and myself.

BY DR. DIX:

Q Mr. Witness, what did I tell you yesterday?

A You told me immediately that according to your opinion, your colleague Dr. Stahmer did not wish to put undue pressure upon me and that the pressure would come from Goering.

BY DR. SEIDL (Counsel for defendants Hess and Frank):

Q Witness, were you, during the war --

THE PRESIDENT (Interposing): Dr. Seidl, are you attempting to re-examine?

DR. SEIDL: I wanted to put a single question.

THE PRESIDENT: I wasn't thinking of the time which you would take up, but the question of whether you wanted to be allowed to put any questions.

Yes, go on, Dr. Seidl.

BY DR. SEIDL:

Q Witness, during the war, were you at any time active in the intelligence service of a foreign power?

A At no time.

Q It is not correct --

THE PRESIDENT (Interposing): That is not a question which you ought to put to this witness in re-examination.

DR. SEIDL: But, Mr. President, it is a question that relates to the credibility of this witness, and if it should happen that it could be shown that this witness, who is a citizen of the German Reich, or at least was a citizen of the German Reich, was within the intelligence service of a foreign power, that is a fact which is important and significant to the credibility of this witness.

MR. JUSTICE JACKSON: I should like to be heard on that. In the first place, I don't think that this witness should be subjected to any attacks. In the second place, I respectfully submit that it does not militate against the credibility of the witness that he should have opposed this kind of an organization. I think that the attack upon the credibility of this witness,

H0117 - 0042

if there were one to be made -- he is sworn on behalf of the defendants and is not the Prosecution's witness. The attack is not timely, is not a proper attack, and the substance of it does not go to credibility.

THE PRESIDENT: The Tribunal will allow you to put the question.

BY DR. SEIDL:

Q Please answer my question and remember your oath.

A Mr. Attorney, it is not at all necessary for you to remind me of my oath. I have said that I was never in the service of a foreign power. I was in the service of a good, clean German service.

H0117-0043

Q During the war did any power at war with Germany submit to you or had you received funds from them?

A No.

Q Do you know what the three letters OSS mean?

A Yes.

Q What do they stand for?

A They stand for the American organization.

Q And you were not connected with that organization?

A I was in contact on a friendly and political basis with the members of this organization.

DR. SEIDL: I have no further questions to put to the witness.

DR. KUBUSCHOK: Dr. Kubuschok, representing von Papen.

THE PRESIDENT: I hope the defendants' counsel will remember that they have allhad a free opportunity to cross-examine this witness already and have not.

DR. KUBUSCHOK: The personality of Mr. von Papen was mentioned by the Chief American Prosecutor and therefore I could not ask before this time.

BY DR. KUBUSCHOK:

Q Witness, yesterday you denied in answer to the question of the Chief American Prosecutor, that the defendant von Papen at any time protested. Of course, you did point out that somehow or other a written statement of von Papen's had not been directed to the Ministry of the Interior.

So as to clarify this problem, I would like to know whether your assertion is to be limited only to the Ministry of the Interior. On page 133 of your book you pointed out that one of the chief activities of the defendant von Papen as vice-chancellor was to submit protests and he wrote protests and that he put those protests above all to von Hindenburg and Goering.

A The latter part of your statement I emphasized yesterday and again today. Any protests by von Papen to the competent police minister after the 30th of June, 1934, is not known to me officially. I can only say it would have been an extra-ordinary support if a protest of that nature, describing the murders of the closest collaborator of von Papen had reached the Ministry

H0117-0044

of Interior. Then this rumor about the suicide or tather the doubtful death of these two men would not have reached the public.

Q Do you believe that it is comprehensivle when we consider the position of Frick, that is the rather small position of Frick, that protests should have been brought to a higher officerif such a possibility existed?

A At that moment when the Ministers reached the view that they could protest only to the higher officers, that is to the dictator himself of their own accord they destroyed the constitutional province of the Reich Ministers and the cabinet. It would have been of tremendous significance if Mr. von Papen at that time had used the formal way.

Q You do not dispute, in agreement with your book, that von Papen in other questions as well sent many protests to the higher officials?

A No, he did protest frequently.

Q Yesterday, during the scope of your general testimony, you gave an unfavorable characterization of the defendant von Papen. This character sketch coincides with the one you gave in your book. In your book you go into detailandupon those details you base your conclusions.

Since the defendant von Papen is only given very little space in your book and you had very little connection with him and no connection at all in your official capacity, you must surely have been relying upon the information of a third party in making your statement and thestatements as far as they refer to von Papen are wrong and I refer to them briefly.

First of all you start from the point that despite the happenings of the 30th of June von Papen did not protest. But it is historically correct that von Papen, after the prohibition of his speech at Marburg, had protested and negotiations between Hitler and von Hindenbrug wereto take place and that Hitler directly after von Papen's liberation on the 3rd of July again entered into this matter. Is it possible that this domestic problem was not known to you in its correctness?

A It is entirely possible that I did not know of the domestic and internal happenings but I would like to emphasize that a Minister or vice-chancellor is obligated to assert publicly his opinion. I can say no matter what

H0117 - 0045

Schacht said to Hitler in private as far as his intentions and decisions were concerned, it was always possible for him in a masterly fashion to conceal his intentions and that is the important point.

Q Is it known to you that as far as this point is concerned, the defendant von Papen some months before had a very bad experience when his own opinion as expressed in the speech at Marburg was not made public and that anyone who tried to dominate was to be punished?

A It is known to me because we were appalled that the vice-chancellor of the German Reich could be silenced in such a way. I do believe that the 30th of June would not have been as bloody as far as the citizenry was concerned if at the time the vice-chancellor von Papen had given a manly "no" and an obvious "no".

Q I just said that you are not taking into consideration that von Papen because of what happened with reference to his speech, wanted to resign.

Point two: You make the assumption that von Papen took part in the cabinet session of the 3rd of July, in which the laws were made that measures in line with the 30th of June had been taken for the purposes of the state. Is it known to you that von Papen did not participate in this session; that he came into the Chancellory while the session was taking place? Hitler left the session and von Papen asked him to step into an anteroom; that he asked for his resignation; that he was granted this resignation; that von Papen immediately left the Chancellory without having participated at this session at all.

THE PRESIDENT: I do not know whether it is possible for the witness to follow your questions but they are so long and contain so many statements of fact that it is very difficult for anybody else to; it is very difficult for the Tribunal to.

DR. KUBUSCHOK: The nucleus of my question was that von Papen did not participate in the cabinet session on the 3rd of July.

THE PRESIDENT: Dr. Kubuschok, why do you not ask the witness whether he did participate or not? If that is the question you want to ask why don't you ask it?

H0117 - 0046

BY DR. KUBUSCHOK:

Q My question is concerned with as to whether your contradictory assertion in the book is to be traced back to an error in information because of a third party.

A It is to be understood that through misinformation, through the silence of Mr. von Papen and through the silence of von Papen I myself was misled as well as the German people.

Q Point three; You stated the fact that von Papen later on traveled to von Hindenburg and there did not protest sufficiently against the measures taken. Is it not known to you that von Papen tried everything within his power to reach von Hindenburg but that he was kept away from Hindenburg and that for the first time after the 30th of June he came to the estate of Hindenburg after the death of von Hindenburg? Can the contradictory assertion in your book be traced back to an error in information?

A If you tell me that even as Vice-Chancellor of the Reich he could not reach the President of the Reich and that he remained in office nevertheless, even though there were foreign journalists, even though there was a diplomatic corps and sufficient German people who heard and saw, if you tell me all these things, then I would take cognizance of the behavior of the German Vice-Chancellor.

Q But, witness, you are forgetting that for several weeks he had been without office.

Point four: You start with the premise that von Papen did participate--I would like to finish my question--did participate in justifying the measures of the 30th of June. Do you know that von Papen, despite the demands on Hitler's part, did not participate in that session? Could you be misinformed on that point?

H0117-0047

A I believe you have already asked me that.

Q No, this is a different matter; it is not a Cabinet session, it is a Reichstag session.

A Yes, then I must be misinformed.

DR. KUBUSCHOK: Thank you.

GENERAL RUDENKO: Mr. President, it seems to me that the defense has had every opportunity to interrogate this witness. The defense have already examined this witness, and the witness was cross-examined by the prosecution.

THE PRESIDENT: The Tribunal thinks, at any rate, that it is perfectly able to manage its own proceedings without any interruptions of this sort. We can deal with Dr. Laternser when he makes his application to cross-examine.

GENERAL RUDENKO: I understand, Mr. President. I merely wanted to say that we would like to shorten the duration of the proceedings as much as possible.

DR. LATERNSER (Counsel for the General Staff and the OKW): I have several questions which I would like to put to the witness, which result from the cross-examination to which he has been submitted, and I assume there is no objection to my questioning him.

THE PRESIDENT: Yes, you have a right to cross-examine him.

BY DR. LATERNSER:

Q Witness, yesterday, in answer to a question of the American prosecutor, you uttered the opinion that a putsch against the then existing regime would have been possible only in connection with or the working-together of the generals, but that the many persuasions which took place did not bring about a working-together. I would like to ask you, witness, with which generals did you personally speak about the intended putsch plans?

THE PRESIDENT: You aren't concerned with every general in the German Army; you are only concerned with those who are charged with being a criminal group.

DR. LATERNSER: Yes.

THE PRESIDENT: Your question must be addressed to them, or with

H0117-0048

reference to them.

DR. LATERNSER: Yes, Mr. President. Then I ask that I may describe to the witness the circle of the OKW and of the General Staff so that he may be able to answer my question.

THE PRESIDENT: Well, you can put to him, I think, whether he had contact with any members of the General Staff who are charged with being a criminal group. You know who the generals are.

DR. LATERNSER: Yes. I would like to make a preliminary remark to the witness and then put the question in that connection.

THE PRESIDENT: Now what is the question you want to put?

DR. LATERNSER: So that the witness can answer the question in the limits prescribed by the High Tribunal, I would like to give the witness a brief description about the circle of those people who actually belonged to this group, and ask him, in connection with that, with which of these people he talked personally in order to win them over for the putsch intentions of his group.

THE PRESIDENT: If you do it shortly.

BY DR. LATERNSER:

Q Witness, in the group of the General Staff, OKW, there were incumbents of certain offices, beginning with February of 1938 until May of 1938. These officers and ranks are as follows: The Commanders in Chief of the various branches--

THE PRESIDENT: You are not going through the whole lot, are you, 130 of them?

DR. LATERNSER: Mr. President, the series is rather brief. On the other hand, I cannot limit my question asis desired by the High Tribunal.

THE PRESIDENT: I don't know what you mean. What I said was, are you proposing to go through the whole 130 generals, or officers?

DR. LATERNSER: No, Mr. President.

THE PRESIDENT: Very well, go on.

H0117-0049

BY DR. LATERNSER:

Q In the group there are the incumbents of certain ranks and offices; briefly, those who, in the period of time from February 1938 until May 1945, were commanders in chief. Now, I would like to ask you, with which generals of this group did you speak personally? And I am referring to discussions with the intention of your gaining them for your side.

A You mean commanders in chief of group?

Q Of armies, of groups, branches of the Wehrmacht, and Chief of the General Staff of the Wehrmacht.

A I have already mentioned Halder, Brauchitsch.

Q One question, witness; did you speak with Field Marshal von Brauchitsch about the intention of a putsch against the regime or against the Gestapo only?

A I talked about both with him, yes. So far as both topics are concerned, he said "yes" and first, and then acted with "no".

I talked with Halder and I talked with Field Marshal von Witzleben, and with Kluge as well. I had known him for many years. I do not know at what period he entered into the category which I mentioned, but my connection with Kluge was never cut short. It may be that I talked with one or another which fall into your category.

Q Of course, it is an event if one talks with high military leader about the intention of a putsch, and you would recall it if you had talked with another Field Marshal, say about this matter.

A It wasn't as large an event as all that, Mr. Attorney. Field Marshal weren't such important people.

THE PRESIDENT: Dr. Laternser the fact that these generals were spoken to and refused to join a putsch is not a crime within the meaning of the Charter.

DR. LATERNSER: Mr. President, yesterday I set forth that this point is very important because it would exclude the assumption of a conspiracy.

THE PRESIDENT: I am afraid, Dr. Laternser, it is no good answering me that a point is very important. What I asked you was, how is it relevant to show that these generals discussed a revolt against the regime? That, I am putting to you is not a crime within the meaning of the Charter.

H0117 - 0050

DR. LATERNSER: Yes, but so far as it would exclude the assertion of a conspiracy, the assertion put down by the prosecution.

THE PRESIDENT: But does it preclude the possibility of a conspiracy, to make aggressive war? It has nothing to do with it.

DR. LATERNSER: That did not quite come through to me, Your Honor.

THE PRESIDENT: The question of a revolt against the regime in Germany is, it seems to me, not necessarily connected with the conspiracy to carry out aggressive war; therefore, anything which has got to do with a revolt against the regime in Germany is not relevant to the question which you have to deal with.

DR. LATERNSER: Mr. President, a conspiracy is assumed in considering wars of attack, and a conspiracy would be excluded if the high military leaders would turn against the regime in such a dramatic form that the intention of a putsch would have been discussed and carried through.

THE PRESIDENT: Dr. Laternser, the Tribunal thinks the proper way of putting the question, which they understand you want to put, is to ask which of the generals were prepared to join in a revolt. You may put that question.

H0117 - 0051

DR. LATERNSER: Mr. President, in order to clarify just how far the readiness was for the entire group, I must ask the witness with how many of this group he contacted and how many of those declared themselves ready to act with them.

THE PRESIDENT: I think you might put that to him--how many. Ask him how many.

DR. LATERNSER: Mr. President, that was the question which I did wish to put.

THE PRESIDENT: I said you may put it.

DR LATERNSER: Yes, Mr. President.

BY DR. LATERNSER:

Q Witness, with how many of this group did you speak about this matter?

A In the course of the years it may have been a dozen or several dozen, but I would like to say that it was more the mission of Beck and Oster and Canaris to talk with these gentlemen, rather than being my task. That which you may want to hear you will rather not hear from me, that is, as far as names are concerned. But I can abbreviate your question insofar that unfortunately very few leading general showed their serious will to overthrow this system.

Q And, witness, that was the point I wanted to make with my question. As you testified just a little while ago, you talked with von Brauchitsch and Halder and with Witzleben, and Olbrecht did not belong to this group. You did speak with these three, then?

A Also with Kluge.

Q Regarding the putsch intentions?

A Yes, of course.

Q And of these four that you mentioned, Field Marshal von Witzleben, did he agr

A They all gave agreements. Only Witzleben stuck to his word.

Q Then he did participate in this putsch?

A Yes.

Q Did I understand you correctly to say when you said yesterday that the putsch on the 20th of July in the main came from the Wehrmacht, that is, from the generals and from the officers of the general staff, and that they had the intention to keep those who were initiated into this plot as small as possible?

A No, I did not say that exactly. What I did say was--I would rather put it in this way--a putsch can be carried out in a terror regime only by the military, and in that respect it is true that these few generals were the bearers of the putsch, and the strong points on the 20th of July were among the broad front of the civilia

H0117 - 0052

who for years had fought for the generals and were continually disappointed by the And for that reason, only because the assurances and agreements made by the genera were broken again and again, we decided on the 20th of July to wait this once unti the generals had actually acted for once, in order not to make false hopes to many civilians. That is how I meant my limitation of my statement.

Q Then the only putsch which was actually carried through was taken part in by generals and civilians?

A Yes.

Q And the head of this group was, as you testified, Colonel General Beck?

A Yes.

Q And Beck belonged to this group also-- this group which is accused under the name of the General Staff and OKW. Now, I have a further question: Do you know of connections of these military leaders with the minister of finance Popitz, who had intentions for a putsch for the purpose of doing away with Hitler and is allegedly to have dealt with Himmler? Do you know anything about that?

A Yes, that is true. Popitz made great efforts to win the generals to a putsch and an attempted assassination. I regret that I did not mention his name in time. He was one of the men also who, starting with 1938 or 1939, did everything in order to bring about the downfall of the regime.

Q Did you talk with minister von Popitz about that?

A Yes, repeatedly.

Q Did he tell you anything about the fact as to which high military leaders he had made connections with for this purpose?

A Popitz was in connection with Beck and surely with von Witzleben, and perhaps he was in connection with Halder and Brauchitsch, and the list of disappointments which came to von Popitz is not shorter than the list of disappointments which we had.

Q Did he himself mention disappointments?

A He was bitterly disappointed. The eternal disappointment was the topic of our conversation, and that was the difficulty we ran into in connection with the civilians.

Q But were there other possibilities for the doing away with?

A No. No other means of power were at our disposal in Germany either constitutionally or legally. The generals were the only bearers of arms and were delegated as such by Hitler.

H0117 - 0053

Because of this, it is not possible to make any other relations or connections. I regarded that after 1933 these attempts at striking were considered mutiny and would have been punished as such during the war, and I would like to call your attention to the many death sentences, which ran into the hundreds, which civilians received during the war.

Q Now we can consider a different subject.

THE PRESIDENT: The Tribunal thinks that this matter has been fully covered and is really not relevant. You have already cross-examined this witness at some length before this, and the Tribunal does not wish to hear any further evidence on this subject in any further cross-examination.

DR. LATERNSER: Mr. President, I have already concluded.

BY DR. LATERNSER:

Q Witness, when did you know--

THE PRESIDENT: I thought you said you had concluded?

DR. LATERNSER: Mr. President, I must have been misunderstood. I have concluded those questions as far as the putsch intentions were concerned. I would like to pass on to another point now and put one question. I would like to ask the question about the Fritsch crisis and would like to ask him when he heard about the exact situation; when he transmitted the knowledge of the situation to high military leaders or had that knowledge transmitted to them.

THE PRESIDENT: But the Fritsch crisis has nothing to do with the charges against the High Command. The charges against the High Command are crimes under the Charter, and the Fritsch crisis has nothing whatever to do with that.

DR. LATERNSER: Then I will withdraw that question.

BY DR. LATERNSER:

Q Witness, today in cross-examination--

THE PRESIDENT: What are you going to put to him now?

DR. LATERNSER: Mr. President, I would like to ask the witness now about some points which he made in response to the American Prosecutor's question. I believe that some clarification is necessary.

THE PRESIDENT: The principle is not whether you think the clarifica

H0117 - 0054

is necessary, but whetherthe Tribunal thinks it, and, therefore, the Tribunal wishes to know what points you wish to put to him.

DR. LATERNSER: Yes, indeed. In his testimony today the witness mentioned the fact that he had proof about murders in Poland and Russia. I wanted to ask him who had produced these reports and whether one report by Blaskowitz is known to him while he was commander in Poland; whether he made this report; so that it was to be reported and transmitted to his superiors, and that should be an important point. Blaskowitz is a member of the group whihh I represent. From the fact which is to be concluded that the members of this group were always againhst cruelty, if and when they received reports of these cruelties through official channels; therefore, I must determine whether these reports,

H0117 - 0055

which had the purpose to avoid cruelties, are to be traced back to the activity of generals who belonged to this group which is accused.

MR. JUSTICE JACKSON: It seems to me, if I may suggest, Your Honors, that counsel is under the apprehension that he has here to deal with individual generals. We are dealing only with the group. If what counsel says about General Blaskowitz is true, that is a defense for him, and I am right to say that General Blaskowitz did defy this Nazi conspiracy. And if that fact is ever verified, he certainly should not be the subject for penalties for the acts which he stood up against.

It seems to me that we are going into individual defenses here under a misapprehension that this is the occasion to try each and every of the generals. We make no charge against them that they either did or did not have a putsch or a Fritsch affair. The Fritsch affair is only referred to here asfixing the time when the defendant Schacht became convinced that aggressive warfare was the purpose of the Nazi regime. The putsch is only introduced because in his defense Schacht says he tried to induce a putsch. It enters not at all into the case against the General Staff. And most of the General Staff who took any part in the putsch were hanged and I cannot see how it could be any defense to those who remained and are under trial that a putsch was or was not conducted. It seems that we are off the main track.

DR. LATERNSER: Mr. President, I would like to define my position in response to this point. If it is not admissible for me to ask about the demeanor of the members of this group and a point of such tremendous importance, from which we would conclude that they would fight, that they intended to fight against cruelties, then it is not possible for me to show the typical position taken by the high military leaders and show this position to the High Tribunal. It is absolutely necessary that I can follow these points, especially since I do not have any other evidence at my disposal, for I can consider and call a group criminals only if, for instance, the majority of the members of these groups actually committed crimes. I must be in a position to ask how Blaskowitz acted against murders and what position he took against the murders taking place in Poland.

THE PRESIDENT: The Tribunal will adjourn to consider the matter.

(A recess was taken.)

H0117 - 0056

THE PRESIDENT: Dr. Laternser, the Tribunal considers that the questions that you have been putting, if relevant at all, are only extremely remotely relevant, and they cannot allow the cross-examination to continue for any length of time or the time of the Tribunal to be wasted further. They think, and they rule, that you may put the question which they understand you desire to put in this form: The witness has spoken of reports which were received by the group of which he has spoken about atrocities in the East, and they think you may ask him who submitted those reports.

Q Witness, I would like you to answer this question: From whom did these reports emanate about murders in Poland and Russia?

A I know of one report which General Blaskowitz, during the first months of the Polish capaign and on the basis of information received by his subordinate military offices, made. Beyond that, such reports to my knowledge were only made by the group Canaris Oster, but I would not like to asser that it is impossible that some one else had sent such reports.

Q What was the purpose of the report which Blaskowitz sent?

A Colonel General Blaskowitz intended--

THE PRESIDENT: The report which one particular general sent does not tend to show that the group was either innocent or criminal.

DR. LATERNSER: Mr. President, we have to find out what the attitude of that group was.

THE PRESIDENT: The Tribunal think that the report of one general is not evidence as to the criminality of the whole group.

DR. LATERNSER: Mr. President, is that question approved that I have asked for the purpose of that report?

THE PRESIDENT: No, the Tribunal is of the opinion that what was contained in that report is not admissible.

DR. LATERNSER: I have no more questions.

THE PRESIDENT: Then the witness may retire.

(The witness retired)

THE PRESIDENT: Dr. Pannenbecker, that concludes your case, does it?

DR. PANNENBECKER: The case of the defendant Frick is hereby concluded, with the exception of the answers on interrogatories which I have not yet received.

H0117 - 0057

received.

THE PRESIDENT: Yes. Counsel for the defendant Streicher, Dr. Marx. Go on.

DR. MARX (Counsel for Defendant Streicher): With the permission of the Tribunal, Mr. President, I call now the defendant Julius Streicher as witness to the witness box.

JULIUS STREICHER, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you state your full name?

A Julius Streicher.

Q Will you repeat this oath after me: I swear by God, the Almighty and Omniscient, thatI will speak the pure truth and will withhold and add nothing.

(The Witness repeated the oath)

H0117 - 0058

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. MARX:

Q Witness, would you give the Tribunal first a short description of your career?

A I should like to ask the Tribunal to let me give a short description for the purpose of my defense.

THE PRESIDENT: You really ought to answer the questions that are put to you.

A My Defense Counsel could not say now what I desire to say. I would like to ask permission to. My Defense Counsel was not in a position to lead my defense as I wanted, and I would like to make a statement to the Tribunal.

THE PRESIDENT: Defendant, you understand that the Tribunal does not wish to have its time taken up with unnecessary matters. It has no objection to your stating what is material or to your reading it if necessary. It hopes that you will be as brief as possible.

A I will only speak about facts, four facts.

The Charter, the statute of this International Military Tribunal, guarantees to the defendants the right to speak freely and to have an undisturbed defense.

Secondly, before the beginning of the trial, the defendants received a list with the names of the attorneys from which the defendants could choose a defendant's counsel. Since the Munich attorney whom I had selected for my defense could not be put at my disposal any more, I asked the High Military Tribunal to put the Nurnberg attorney, Dr. Marx, at my disposal, and that was done.

Third, when I met my Counsel for the first time, I told him he had to expect as my Counsel to be attacked in public. Shortly thereafter, an attack occurred on the part of a communist newspaper published in the Russian zone

H0117 - 0059

in Berlin. The International Military Tribunal felt itself compelled in a public statement to reject the attack of that newspaper and to assure my Counsel of the express protection of the Military Tribunal.

Fourth, although by that statement made by the International Military Tribunal, no doubt could remain about the fact that the Tribunal wished to see the defense of the defendants without any disturbance, a renewed attack occurred, this time by radio. The broadcaster said that among the Counsel of the defendants there are camouflaged Nazis and anti-Semites. That this terror occurred with the intention to intimidate the defendants' counsel is evident.

H0117 - 0060

These terror attacks might have contributed or led to it -- that is my impression -- that my own counsel has refused to use a large number of pieces of evidence which I considered important and to submit them to the Tribunal.

Fifthly. I wish to state that by this International Military Tribunal an undisturbed and therefore just defense was not made possible for me.

THE PRESIDENT: You can rest assured that the Tribunal will see that everything, in the opinion of the Tribunal, that bears upon the case or is relevant to your case or is in any way material in your case will be presented and that you will be given the fairest opportunity of making your defense.

THE WITNESS: I thank you, your Lordship.

DR. MARX: Excuse me, Mr. President; may I ask briefly to be permitted to speak about that. May it please the Court, when I was put, before, the question at the time to take over the defense of Mr. Streicher, in my mind, of course, there were strongobjections.

THE PRESIDENT: Dr. Marx, I don't think it is necessary, really, for you to make any personal explanation at this stage. It is very possible that the defendant may have different ideas about his own defense. I think we better let him go on with his defense.

DR. MARX: Just the same, I should like to ask permission, Mr. President, to speak about this one point which deals with the following: As attorney and as defense counsel of a defendant, I have to reserve the right for myself to determine in which manner I lead the defense. Ifmy client is of the opinion that certain documents or books, in his opinion, are relevant, and the attorney, however, is of the opinion that they are not relevant, then there is a discrepancy between the counsel and his client.

If Mr. Streicher is of the opinion that I am not capable or not in a position to take care of his defense, then he should ask for another defense counsel, but I am certain that at this stage of the proceeding it would be very difficult for me to take that consequence and to say that I ask you to relieve me of that task of defense; I do not feel terrorized by any newspaper writer, but it is another thing if my own client loses confidence of his counsel; therefore, I see cause to ask for the decision of the Court

H0117-0061

whether, under these circumstances, I shall continue my defense, or whatever the opinion of the Tribunal is.

THE PRESIDENT: The Tribunal thinks, Dr. Marx, that the explanation and the statement which you have just made is in accordance with the traditions of the legal profession and they think therefore that the case ought to proceed and that you should proceed with the case. Now, defendant, will you go on.

THE WITNESS: About my life -- I was born on the 12th of February 1885 in a small village in Bavaria. I was the last of nine children. My father was a public school teacher. I, myself, became a teacher also. After I had remained several years in my closer home province in Bavaria, in 1909, I came to the municipal schools at Nurnberg. Here I had the opportunity to get in contact with the families of the workers' children in the suburbs and here I had an opportunity to see the social contrast and what I recognized there, led to it, that in the year 1911, I decided to go into politics. I became a member of the Democratic Party -- in the ydar 1912, as a young democratic speaker, I spoke at the time of the Reichstag elections. The car that was put at my disposal, waspaid for by the banking firm Kohn. I emphasize that because at that time, I had much opportunity to meet Jews -- also in the Democratic Party; therefore must have been fateful reasons, if later I became a writer and speaker in the field of racial politics.

The World War came and I also went into the army as a private in an infantry regiment. I became an officer in a machine-gun company. I returned home with both Iron Crosses, with two Bavarian decorations, and the Cross of Merit, the Austrian silver Cross of Merit. When I had returned home, I did not have thedesire to go into politics again. I only had the intention to continue quietly in my profession. Then I saw theglowing red posters of the revolution and I first went with the masses of that period and when the speaker had finished, I asked to beheard as an unknown. An inner-voice sent me up there to theplatform and I spoke. I spoke in discussions and what had happened in Germany--in Germany, through the November revolution of 1918, Jews and friends of Jews had seized political power. Jews were in the Reich Cabinet and could be found in all provincial governments. In my own

H0117-0062

home country, Bavaria, the Minister-President was a Polish Jew, Eisner Kosmarowsky. The reaction in Germany among the citizens, among the middle classes, manifested itself in the form of an organization, the "Schutz und Trutzbund," protection and fighting organization. In all large cities of Germany, sections and branches were formed of that organization, and as fate wanted it, when once again I was at the revolutionary meeting and spoke in the discussion, a man approached me and asked me to come to the Kulturverein Atis Peron, in the Golden Hall, and hear what one had to say there.

H0117-0063

So, gentlemen of the Tribunal, I got into that which has brought me here today. It was a stroke of fate which made me what international propaganda believed me to be made. One called me a bloodhound; one stamped me a bloody sire of Franconia; one touched my honor, paid a crime with 300 marks. A criminal who had to life his hand in this hall for the oath stated he had seen how I, during the war, as an officer in France, had allegedly violated a teacher's right, a Madame Duquesne. It took two years until the truth came out by treason.

Here in this court, gentlemen, was the receipt. We have seen the receipt for 300 marks. With 300 marks, one wanted to take my honor.

I only mention this because I want to show that my case is a special case, and if it should be judged with justice, then I must be permitted in passing to make such a remark.

Maybe in that connection I can say that it is no coincidence that the third question of the Soviet Russian officer who interrogated me was whether I was a sex criminal.

Gentlemen, I reported to you how I came into the Schutz and Trutzbund. I have told you what conditions were in Germany at that time, and it was quite a natural development that I did not go any more into the houses of the revolution to speak in discussions. I felt that I myself had to call meetings, and so, I spoke, I may say, through 15 years, almost every Friday before about 5,000 to 6,000people. I spoke during the course of 20 years, and I admit that frankly, in the largest cities of Germany, sometimes before meetings in sport fields, on public squares, before 150,000 to 200,000 people. I have done that for 20 years, and I state here I was not paid by the Party. The Prosecution willnever succeed, not even by a public proclamation, in getting anybody here into this room who could testify that I had ever been paid. I had a small income which was left after I was relieved from my job in 1924. Just the same, I remained the one and only unpaid Gauleiter in the movement. But later, through my writings, I took care of myself and my assistants. That goes without saying.

And now, gentlemen, in the year 1921 -- and I return now to that period -- I went to Munich. I was curious because someone had told me you had to hear

H0117-0064

Adolf Hitler, and now again, there is the finer faith. One can only understand that tragedy if one not only sees it materially, but if one can conceive the higher vibrations which can still be felt today.

I went to Munich, to the Buergerbrau Cellar. There Adolf Hitler spoke. I had only heard his name. I had never seen that man before. And I sat, an unknown individual among individuals unknown. I saw this man, after three hours of speaking, drenched in perspiration, and a neighbour next to me saw what he thought was a halo around his head, and I, gentlemen, felt something which was not of every day.

When he finished with his speech, an inner voice commanded me to get up. I went to the platform. When Adolf Hitler came down, I approached him and I told him my name. The Prosecution has submitted a document to the Tribunal which is reminiscent of that moment. Adolf Hitler wrote in his book "Mein Kampf" that it must have been with great effort that I turned over my movement, which

H0117-0065

I had created in Nurnberg, to him.

I mentioned this because the Prosecution thought that these things in Hitler's book "Mein Kampf" had to be submitted and used against me. Yes. I am proud of it. I myself the movement which I had created in Franconia and turned it over to Hitler. With that Franconian movement, the movement which Adolf Hitler had created in Munich and in Southern Barvaria became the bridge to northern Germany. That was also my deed.

In 1923 I took part in the First National Socialist revolution. That is to say it was an attempt at revolution. It entered into history as the Hitler Putsch. Adolf Hitler had asked me to come to Munich. I went to Munich and took part in the meeting during which Adolf Hitler agreed with the representatives of the middle class to go to northern Germany together and to put an end to the thing.

I experienced a march to the Feldherrnhalle. I was arrested later and , like Adolf Hitler and Rudolf Hess, I came to Landsberg on the Lech. After a few months I was nominated by the Voelkischer Block as a representative for the Bavarian Diet, and elected in the year 1924.

In 1925, after the movement had been permitted again and Adolf Hitler had left the prison, I was nominated Gaulieter of Franconia. In 1933, I became representativein the Reichstag. In 1933 or 1934, I also received the honorary title of an SA Gruppenfuehrer.

In February of 1940 I was dismissed. I lived for five years, until the end of the war, on my estate. At the end of April, I went to Southern Bavaria, to the Tyrol. I wanted to comit suicide. Then an event happened which I do not care to talk about, but I can say one thing: I stated to friends that for 20 years, befor the public of the world, I have confessed that I do not want to end by suicide. I want my way; I want to walk my path, be it as it may, as a fanatic for the truth until the very end, a fanatic for the truth.

May I be permitted to make that remark here that in my fighting paper, Stuerme I had a subtitle, and that was, "A Weekly for the fight for the Truth". I was quite conscious that I could not own the entire truth, but I am also conscious that about 80 or 90 per cent of what I have expressed has been the truth.

If I might finish now with the description of my life, it will be with the description of an experience which will show you, gentlemen of the Tribunal, that

H0117 - 0066

without the government's wanting it, things may happen which are not human, not according to the principles of humanity.

Gentlemen, I was arrested, and during my internment I experienced things such as we, the Gestapo, have been accused of. For Four days I was without clothes in a cell. I was burned; I was thrown on the floor, and an iron chain was put upon me. I had to kiss the feet of Negroes who spit into my face, Two colored men and a white officer spit into my mouth, and when I didn't open it any more, they opened it with a wooden stick, and when I asked for water I was led to the latrin and I was ordered to drink from there.

In Wiesbaden, gentlemen, a doctor took pity, and I state here a Jewish directo of the hospital acted correctly. I state here, in order not to be misunderstood, the Jewish officers who are guarding us here in the prison have acted correctly, and the doctors who also treat me have even been considerate. And you may see from this statement the contrast from that prison until this moment.

H0117-0067

Wjat I have told you now I have reported to an American officer and the officer has forwarded the report to Frankfort. What happened to it I have never found out. That was my life. Now, please ask your questions.

Q Witness, why were you dismissed from the teaching profession? Did you ever commit any punishable act or dishonorable act?

A I have answered that question I believe already. Everybody knows that in that profession I could not have been active in public life if I would have committed a crime. That is untrue. I was dismissed because the majority of the parties in the Bavarian Diet in the fall of 1923 after the Hitler Putsch demanded that I should be dismissed. That was my sex crime, yes.

Q It is known to you that you are accused of two points. First you are accused that you were a member of the conspiracy which had the purpose of launching an aggressive war or aggressive wars, in general to break treaties and in that connection committed crimes against humanity.

Secondly, you are accused of crimes against humanity as such.

Regarding the first point, I should like to ask several questions now. Did you discuss or take part in conversations with Adolf Hitler or other leading men of the state or the party in which the question of aggressive war was considered

A I can answer that with no right away but I should like to be permitted to make a short statement.

In 1921, as I have already said, I went to Munich and before the public on the platform I turned over my movement to the Fuehrer and I wrote a letter later. Furthermore, there was no conference, no conversation with Adolf Hitler or with any other personality. I returned to Nurnberg and continued to speak.

At the event of the proclamation of the Party program I was not even present. That proclamation was made in public and that shows how public that conspiracy was and political opponents could make attempts at terror.

May I conclude then by saying there never was a secret meeting where an oath would have been taken or something would have been arranged or agreed to which the public could not have or should not have known. The program had been presented to the police and on the basis of the laws governing organizations and parties just as other organizations that entered to register as unions or organizations. So that at that time there was no conspiracy of any kind.

H0117 - 0068

Q Witness, one of the most important points of the program of the Part; program, was the demands of Versaille. What were your thoughts about that, as to how the dictates of Versaille could be removed at one time?

A I can be very brief about that, I believe, because you know how things were, of course. There are amongst the people such a traitor as we have seen here today. But htere are a large number of decent people. These decent people after the war had the slogans themselves to get rid of Versaille.

MR. JUSTICE JACKSON: If your Honor please, I think I must object to this sort of procedure. This witness has no right to call another witness a traitor. He has not been asked any question to which that is responsive and I ask that the Tribunal afmonish him in no uncertain terms and he confine himself to answering the questions here and we may have an orderly proceeding.

THE PRESIDENT: Yes, you will observe that injunction.

THE WITNESS: I ask the Tribunal to excuse me. I apoligize.

THE PRESIDENT: The observation that you made apparently I did not catch myself but it was made with reference to a witness who has just given evidence here and you had no right at all to call him a traitor or to make any comment upon his evidence.

BY DR. MARX:

Q Mr. Streicher, you cannot make such remarks and you will not make th Adolf Hitler spoke on the memorial days of the Party about a conspirators community.

A That should mean that he literally was of the conviction that his ol adherents were one with him in their convictions and in their hearts and in the political faith in conspirators community (Verschworen Gemeinschaft), meaning united in their intentions.

Q Should not that mean that a conspiracy existed?

A Then he would have said we were a community of verschworen.

H0117 - 0069

Q Between you and the other defendants was there a closer comradeship which could be considered a conspiracy and are you in closer relationship to any one of these defendants?

A As far as they are old members of the Party we were one community of people with the same intentions. One met them at Party meetings, when they spoke in Gaus. But the Reich Ministers I had the honor to meet here and the gentlemen from the army the same. Therefore, a political group did certainly not exist.

Q In the early beginnings of the Party what did one think about the relation of the Jewish problem?

A Well, in the early beginnings of the Party one did not speak about the Jewish problem just as one did not speak about how the question of Versaille could be solved. One has to consider the chaos that existed at that time in Germany. A man like Adolf Hitler who would have said to his members in the year 1923 -- "I will start to call for the war", one would have said this man is a fool. We had no arms in Germany. The army of one hundred thousand men had only a few cannon left. The possibility for a war or to predict a war was absolutely excluded and to speak of a Jewish question at the time when I would like to say the public distinguished Jews only by their religion, to speak about a Jewish problem would have been nonsense.

Therefore, before 1933 one did not speak about the solution of the Jewish problem. You have not heard that from Adolf Hitler and there is no one here who I could say I heard one word from him about that.

Q It is alleged that you have been in very close relations to Adolf Hitler and that you had a considerable influence on the decisions of that man. Therefore, I should like to ask you to describe your relations to Adolf Hitler and to clarify them.

A Anyone who had the opportunity to meet Adolf Hitler and to come to know him knows how correct what I have to say now is. If anyone believed that he could pave a way to become a friend of Adolf Hitler then his thoughts were completely useless. Adolf Hitler was something peculiar in every respect and I believe I can say that a friendship between him and other men

H0117-0070

did not exist, a friendship that one could have said, this is truly a friendship of the heart.

Adolf Hitler was difficult to approach and whoever wanted to approach him only did so by a manly deed.

If you ask me now and I know what you mean by that question, I may say before 1923 Adolf Hitler did not trust me. I had turned over my movement to him without any reserve. He sent the later Reichsmarshal Goering to Nurnberg as a young SA leader, which I believe he was at that time. He came and examined conditions as to whether I was right or the people who denounced me. That should not be taken as an accusation but just as clarification. A short time later he sent another one and then another one.

Adolf Hitler before 1923 did not trust me. Then came Munich, the Putsch. After midnight when most men had left him I appeared before him and told him one had to tell the public now when the day would arrive. He looked at me with his great eyes and said:

"Would you do it? I will do it."

Maybe the Prosecution has the document now. After midnight he wrote on a piece of paper:

"Streicher has to be put in charge of the entire organization. He has to prepare for the day, that is the 11th of November, for the next day."

H0117-0071

On the 11th of November I was in charge of propaganda.

Then, one hour before the march to Feldherrnhalle I returned, and everything was prepared. The flag was in front, which later became the blood flag. I went into the tenth rank and we marched into the city; we marched in the direction of the Feldherrnhalle. Then I saw rifle next to rifle before the Feldherrnhalle, and I knew, "Now they will shoot." I went ten paces in front of the flag and marched right into the guns. Then there was this fighting, and we were arrested.

I will conclude shortly.

At Landsburg--and this is the important part--Hitler declared, before the men who were in prison with him, that he would never forget that. So, because I took part in the march to Feldherrnhalle at the head of the columns, Adolf Hitler probably had more sympathy to me than to the others.

That was the friendship which came out of the deed.

Q Are you through?

A Yes.

Q Were you consulted by Adolf Hitler on important matters?

A I saw Adolf Hitler only in meetings of the Gauleiters. If he came to a meeting in Nurnberg then we were together at meals, five, ten, or more people. I recall only one time when I was alone with him, in the brown house at Munich, when the brown house was finished. That was a non-political conversation. All conversations which I had with Adolf Hitler, be it in Nurnberg, be it in Munich, or anywhere else, occurred in the circle of Party members.

Q Now I come to the period of 1933. On the 1st of April, 1933, there was a day of boycott throughout the entire German Reich against the Jewish population. What can you say about that and what was your part in it?

A A few days before the 1st of April I was ordered to Munich to the brown house. Adolf Hitler explained to me--and I knew this before--that a tremendous propaganda against Germany was going on in the foreign press; that although Hindenburg was still the head of the Reich, although the Reichstag was still there, the Parliament was still there, a tremendous hate campaign had started in the foreign press against Germany.

H0117-0072

The Fuehrer told me that "even the Reich flag was injured, insulted abroad, and now we know that we have to tell the world Jewry to go that far and no further. We have to show them that we will not tolerate that further."

Then he told me, on the 1st of April, there should be an anti-boycott day, and he wanted me to take care of it.

Perhaps it is of importance to point out the following. For that anti-boycott day Adolf Hitler believed that it would be well to use my name. Later that was no longer done. I took charge, then, of that anti-boycott and issued a directive, which I believe has been submitted to the Court and I do not have to say any more about it. I directed that no Jewish life should be attacked; that in front of Jewish property, that is to say, in front of every Jewish store, there should be a guard or more who would be responsible to see to it that nothing would be destroyed materially. In short, I issued a directive which one probably would not have expected from me, and probably in many parts of the Party one would not have expected it.

But this is certain; the anti-boycott day, with the exception of small, unimportant things, went on without disturbance. I believe there is no one who can state to the contrary. It was something definitely in the way of discipline and it was against boycott.

Q At that time was there a committee formed which consisted of leading members of the Party, and did that committee ever become active?

A About that committee, it was the same as the Secret Cabinet Council. It never met, and I believe the members--

H0117-0073

Q You mean the committee members?

A The boycott committee. That was put in the papers by Goebels. That was jus a matter for the newspapers. Once I spoke to Goebbels on the telephone. He asked, when I was in Munich, How things were going. I said, "everything is O.K." That is to say, never a conference or a meeting occured, it was merely built up from the outside for the masses.

Q Witness, you made a mistake before, in speaking of Munich in 1923. You wanted to say the 9th of November, did you not?

A The 9th of November, yes, of course.

Q What was that?

A I don't know any more, but the 9th of November is what it should be.

Q It should be the 9th of November?

A Yes.

Q In the year 1935. on the Reich Party Day in Nurnberg, the so-called Race Law was proclaimed. Were you consulted concerning the planning and preparation of the draft of that law, and did you have any part in its preparation particularly?

A Yes. I believe I had a part in it so far as for years I wrote that a furth mixing of German blood with Jewish blood had to be avoided. I have written such articles repeatedly, and again and again in my articles I emphasized that we had to take the Jewish race as an example, the Jewish people.

I have always said in articles that the Jews should be an example for all the races because they have created a racial law, the law of Moses, which says if you come into a foreign land you should not take a foreign women. And, gentlemen, this is of tremendous importance if one wants to judge the Nurnberg laws. Those laws of the Jews were the example. When, after centuries, the Jewish Legislator Ezra found out that in spite of this many Jews had married non-Jewish women. these marriages were then separated. That was the beginning and that is why Jewry, because of the race laws, has lasted through centuries while all other races and cultures have perished.

Q Mr. Streicher, this goes a little too far, I have just asked you whether you took part in the planning and the working out of the draft of the law, or whether th proclomation of these laws was not a surprise to you.

A I think I am quite frank and honest when I say that I believe I have contri buted to these laws.

H0117 - 0074

Q But you were not consulted in making the draft?

A No. I declare the following.

H0117-0075

In 1935, at the Reich Party Day in Nurnberg, we were called into the hall without knowing what would happen. I had no idea. And then the race laws were proclaimed, and it was only there that I heard of these laws. I believe, so far as the gentlemen are concerned who are here as defendants now who were present on that Reich Party Day, that they also found out about these laws at the Reich Party Day. I had not collaborated directly, and I have to state frankly, and I repeat, that I had not been consulted in the preparation of these laws.

Q It was thought that your assistance was not needed for that?

A Yes.

Q Were you of the opinion that that legislation of 1935 would represent the final solution of the Jewish question on the part of the State?

A With reservations, yes. Yes, I was convinced that by the adherence to the Party program the Jewish question would be solved. The Jews became citizens of Germany in 1848 and, those citizen rights were taken from them by these laws. Intermarriages were prohibited and that, for me, solved the Jewish question in Germany. I believe that a national solution would come, that there would be consultations from state to state and nation to nation, in the sense of the postulates that Zionism had established, and that these demands would lead to a Jewish state.

Q What can you tell us about the demonstrations against the Jewish population from the 9th to the 10th of November 1938, and what was your part?

THE PRESIDENT: Dr. Marx, if you are going into that, it is now 5 o'clock and I think we had better adjourn now until Monday morning.

(A recess was taken until Monday 28 April 1946 at 1000 hours.)